

1 Matthew G. Ball (SBN 208881)

2 Matthew.Ball@klgates.com

3 **KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP**

4 55 Second Street, Suite 1700

5 San Francisco, CA 94105

6 Telephone: (415) 882-8200

7 Facsimile: (415) 882-8220

8 Judith H. Ramseyer, (admitted *pro hac vice*)

9 Judith.ramseyer@klgates.com

10 **KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP**

11 925 Fourth Avenue, Suite 2900

12 Seattle, WA, 98104-1158

13 Telephone: (206) 623-7580

14 Facsimile: (206) 623-7022

15 Attorneys for Defendants

16 GENE HENSLEY, DAVID HERRICK,

17 JOHN HENLEY, PEGGY FRY and

18 JOHN McCONNELL

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 Clark and Rebecca Wixon and Norman and  
22 Barbara Wixon, on behalf of themselves and  
23 all others similarly situated,

24 Plaintiffs,

25 v.

26 Wyndham Resort Development Corp. (f/k/a  
27 Trendwest Resorts, Inc.), Gene Hensley,  
28 David Herrick, John Henley, Peggy Fry, and  
John McConnell,

Defendants.

Case No. C 07-2361 JSW

**AGREED AMENDED BRIEFING  
SCHEDULE FOR INDIVIDUAL  
DEFENDANTS' MOTION TO DISMISS  
AMENDED COMPLAINT AND  
RESETTING HEARING DATE ON ALL  
MOTIONS TO DISMISS AND INITIAL  
CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER**

Plaintiffs Clark and Rebecca Wixon and Norman and Barbara Wixon, Defendant Wyndham Resort Development Corporation ("WRDC"), and Defendants Gene Hensley, David Herrick, John Henley, Peggy Fry, and John McConnell ("Individual Defendants") hereby agree, subject to the

1 approval of the Court, to the following amendment to the briefing and hearing schedule for the  
2 Motion to Dismiss filed by the Individual Defendants:

3	Plaintiffs' response filed by	February 1, 2008
4	Individual Defendants' reply filed by	February 15, 2008
5	Hearing on Motion to Dismiss	April 11, 2008, at 9:00 a.m.

6 The proposed modification to the hearing schedule is due to a scheduling conflict that  
7 counsel for Individual Defendants has on March 28, 2008, the hearing date and Case Management  
8 Conference previously set by the Court in the Clerk's Notice (Docket No. 75), issued January 4,  
9 2008. To accommodate counsel's schedule, at counsel's request, all parties agree, subject to the  
10 approval of the Court, to reset the hearing on the Motion to Dismiss Amended Complaint filed by  
11 WRDC, the Motion to Dismiss filed by the Individual Defendants, and the initial Case Management  
12 Conference, from the previously noticed date on for March 28, 2008, to **April 11, 2008, at 9:00 a.m.**  
13 The hearing location for all three matters shall remain in Courtroom 2 on the 17<sup>th</sup> floor of the Federal  
14 Building, 450 Golden Gate Avenue, San Francisco, California.

15 Subject to approval of the Court, the joint case management statement shall be due on or  
16 before April 4, 2008.

17 Dated: January 15, 2008.

18  
19 GIRARD GIBBS LLP

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP

20  
21 By: //s// Elizabeth C. Pritzker  
Jonathan K. Levine  
22 Elizabeth C. Pritzker  
Daniel T. LeBel

By: //s// Matthew C. Ball  
Judith H. Ramseyer  
Matthew G. Ball  
Philip M. Guess

23  
24 Attorneys for Individual and Representative  
Plaintiffs Clarke and Rebecca Wixon and  
25 Norman and Barbara Wixon

Attorneys for Defendants Gene Hensley,  
John Henley, David Herrick, Peggy Fry,  
and John McConnell

1 TROUTMAN SANDERS LLP

2  
3 By: //s/ J. Kirk Quillian

4 J. Kirk Quillian

5 A. William Loeffler

6 William M. Droze

7 Attorneys for Defendant Wyndham Resort  
8 Development Corporation

9 **ORDER**

10 IT IS SO ORDERED.

11 Dated: January <sup>16</sup>\_\_\_\_, 2008

12   
13 Honorable Jeffrey S. White  
14 United States District Court  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28